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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SABRINA LAGUNA, an individual;  
CARLOS ACEVEDO, an individual;  
TERESA SALAS, an individual; and  
ROES 3-50 on behalf of themselves and in  
a representative capacity for all others  
similarly situated,

Plaintiffs,

v.

COVERALL NORTH AMERICA, INC.,  
a Delaware corporation, ALLIED  
CAPITAL CORPORATION, a Maryland  
Corporation; ARES CAPITAL  
CORPORATION, a Maryland corporation;  
CNA HOLDING CORPORATION, a  
Delaware Corporation; TED ELLIOTT, an  
Individual; DOES 5-50 inclusive,

Defendants.

CASE NO. 3:09-CV-02131-JM (BGS)

*(Assigned to Hon. Jeffrey T. Miller  
and Hon. Bernard G. Skomal)*

**NOTICE OF SUPPLEMENTAL  
AUTHORITY IN SUPPORT  
OF AMRIT SINGH'S  
OBJECTION TO CLASS ACTION  
SETTLEMENT**

Complaint Filed: August 3, 2008  
Discovery Cutoff: February 1, 2011  
Trial Date: February 27, 2012

1           Objector Amrit Singh respectfully submits this Notice of Supplemental Authority in support  
 2 of his Objection to Class Action Settlement (Docket No. 253) to bring to the Court's attention an  
 3 order that was entered today by the Honorable Samuel Conti in the case of Juarez et al. v. Jani-King  
 4 of California, Inc., Case No. 09-03495 (N.D. Cal. Feb. 16, 2012). In that Order (attached here as  
 5 Exhibit A), Judge Conti granted Plaintiffs' Motion for Certification Pursuant to 28 U.S.C. § 1292(b)  
 6 and Staying Further Proceedings Pending Appeal. Judge Conti thus certified to the Ninth Circuit the  
 7 issue of whether "janitorial franchisees" were misclassified as independent contractors. The court  
 8 found "that there is substantial ground for difference of opinion" on the issue of whether Cislaw v.  
 9 Southland Corporation, 4 Cal.App.4<sup>th</sup> 1284 (Cal.Ct.App. 1992), applies to the plaintiff franchisees'  
 10 Labor Code claims and noted that "[c]ourts in other states have reached different conclusions as to  
 11 what test should apply to employment classification claims brought in the franchise context," Juarez  
 12 (Exhibit A), at 3 (citing Hayes v. Enmon Enters., LLC, 10-CV-00382, 2011 U.S. Dist. LEXIS 66736  
 13 (S.D. Miss. June 22, 2011); Awuah v. Coverall N. Am. Inc., 707 F.Supp.2d 80 (D.Mass. 2010);  
 14 Coverall N. Am. Inc. v. Division of Unemployment Assistance, 447 Mass. 852 (2006)), and also  
 15 citing the Ninth Circuit's recent decision in Ruiz v. Affinity Logistics Corp., -- F.3d --, 2012 U.S.  
 16 App. LEXIS 2450, at \*9 (9<sup>th</sup> Cir. Feb. 8, 2012).  
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20           Given that the parties in this case have relied heavily on Judge Conti's rulings in Jani-King to  
 21 argue that the plaintiffs in this case could not prevail on their claims that they were misclassified as  
 22 independent contractors, this development is particularly noteworthy to the current dispute.  
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Dated: February 16, 2012

AMRIT SINGH

By his attorneys,

/s/ Shannon Liss-Riordan

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